



# UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
Address: COMMISSIONER FOR PATENTS  
P.O. Box 1450  
Alexandria, Virginia 22313-1450  
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/736,702	12/17/2003	Thomas Grafenauer	03100137US	5695

7590 07/12/2006

McGuireWoods LLP  
Suite 1800  
1750 Tysons Boulevard  
Tysons Corner  
McLean, VA 22102-4215

EXAMINER

DEVOTI, PAUL D

ART UNIT PAPER NUMBER

3637

DATE MAILED: 07/12/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b> 10/736,702	<b>Applicant(s)</b> GRAFENAUER, THOMAS	
	<b>Examiner</b> Paul Devoti	<b>Art Unit</b> 3637	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1)  Responsive to communication(s) filed on \_\_\_\_.
- 2a)  This action is FINAL.                      2b)  This action is non-final.
- 3)  Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4)  Claim(s) 1-7 is/are pending in the application.  
4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5)  Claim(s) \_\_\_\_ is/are allowed.
- 6)  Claim(s) 1-7 is/are rejected.
- 7)  Claim(s) 1, 2, and 4 is/are objected to.
- 8)  Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9)  The specification is objected to by the Examiner.
- 10)  The drawing(s) filed on \_\_\_\_ is/are: a)  accepted or b)  objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11)  The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12)  Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a)  All    b)  Some \*    c)  None of:
1.  Certified copies of the priority documents have been received.
2.  Certified copies of the priority documents have been received in Application No. \_\_\_\_.
3.  Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |   |   |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. ____. |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)  | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date ____. | 6) <input type="checkbox"/> Other: ____.  |

## **DETAILED ACTION**

### ***Specification***

1. The disclosure is objected to because of the following informalities: the text in the specification has many instances of incorrect spacing. Appropriate correction is required.

### ***Claim Objections***

2. Claims 1, 2, and 4 are objected to because of the following informalities: These claims have irregular spacings between the words or within the words. Appropriate correction is required.

### ***Claim Rejections - 35 USC § 112***

3. The following is a quotation of the second paragraph of 35 U.S.C. 112:  

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.
4. Claims 4, 5, and 7 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.
5. Claim 4 recites the limitation "the strands" in line 7 of the claim. There is insufficient antecedent basis for this limitation in the claim.

Art Unit: 3637

6. Claim 5 recites the limitation "the strands" in line 2. There is insufficient antecedent basis for this limitation in the claim.

7. Claim 7 recites the limitation "the bottom lip" in line 2. There is insufficient antecedent basis for this limitation in the claim.

***Claim Rejections - 35 USC § 103***

8. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

9. Claims 1, 2, and 7 are rejected under 35 U.S.C. 103(a) as being unpatentable over Palsson et al. (US 203/0079820).

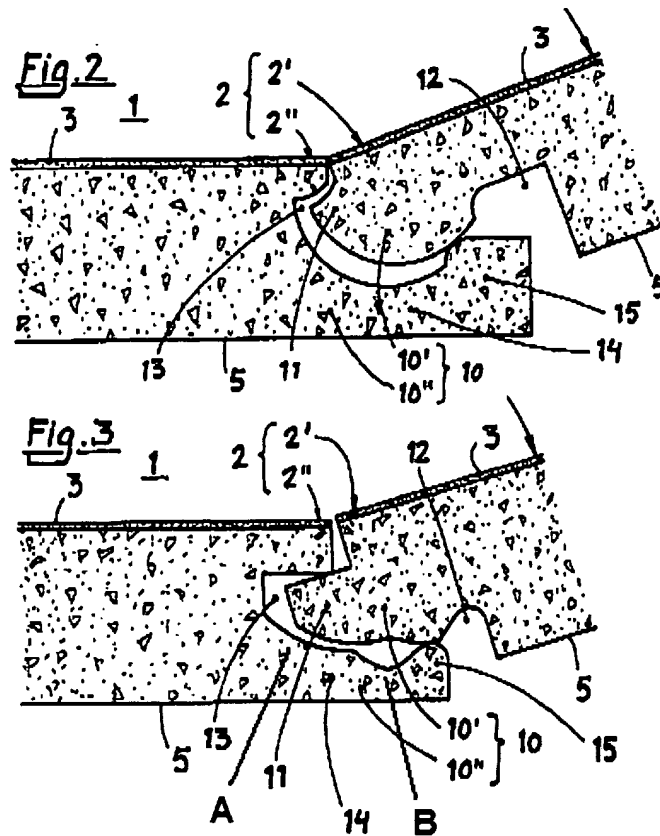
10. Regarding claim 1, Palsson discloses a floor board (1) having two mutually opposite longitudinal and two mutually opposite transverse edges running at right angles to the longitudinal edge areas (paragraphs 0010, 0011). One longitudinal edge and one transverse edge have a tongue (11), and the opposite longitudinal edge and transverse edge have a groove (13). A plurality of boards (1) can be connected to each other and locked in both the horizontal and vertical directions in relation to one another. Palsson, however, does not disclose the board is made of oriented strand board. The background section (paragraph 0005), however, discloses that floor boards can be made of oriented strand board. Therefore, it would have been obvious to one having

Art Unit: 3637

ordinary skill in the art at the time of invention to modify Palsson's floor board to be made of oriented strand board, as this would provide a strong and durable material for a flooring system.

11. Regarding claim 7, Palsson discloses everything previously mentioned, including the bottom lip of the groove (13) has depressions (A, B) which are obviously capable of accommodating a nail head or screw head.

12. Regarding claim 2, Palsson discloses everything previously mentioned, including the groove on the longitudinal edge is bounded by a top lip (2") and bottom lip (15) (as seen in Figure 2). The bottom lip (15) projects laterally beyond the top lip (2") and has a concave recess over its entire length. The tongue (11) has a convex underside which corresponds to the recess.



Palsson (US 2003/0079820) Figures 2 and 3

13. Claims 1 and 3-6 are rejected under 35 U.S.C. 103(a) as being unpatentable over Thiers (US 2002/0056245) in view of Kornicer et al. (US 2003/0035921).
14. Regarding claims 1 and 3-5, Thiers discloses a floor board (2) having two mutually opposite longitudinal and two mutually opposite transverse edges running at right angles to the longitudinal edge areas. One longitudinal edge and one transverse edge have a tongue (8), and the opposite longitudinal edge and transverse edge have a groove (9). A plurality of boards (2) can be connected to each other and locked in both

Art Unit: 3637

the horizontal and vertical directions in relation to one another. The floor board (2) has a chamfer (15) along a top side, and creates a V-shaped joint at the connecting location between two boards. Thiers does not disclose the board is made of oriented strand board, with an isocyanate resin, comprising four layers, with the outer two layers having strands oriented in a longitudinal direction, and the inner layers having strands oriented predominately in a transverse direction.

15. Kornicer, however, discloses a board made of oriented strand board with an isocyanate resin (paragraph 0013). The board comprises four layers (as seen in Figure 1), with the outer two layers having strands oriented in a longitudinal direction, and the inner layers having strands oriented predominately in a transverse direction. Therefore, it would have been obvious to one having ordinary skill in the art at the time of invention to modify Thiers' floor board to be made of oriented strand board with an isocyanate resin, with two outer layers having strands oriented in a longitudinal direction and two inner layers having strands oriented in a transverse direction, as this would provide a strong and durable material for a flooring system.

16. Regarding claim 6, Thiers in view of Kornicer discloses everything previously mentioned, including the floor board (2) includes a top side with a decorative layer (25) having markings in the form of a wood pattern, along which screws or nails could obviously be fastened.

17. The beams recited in claims 1 and 6 are intended uses which are given very little patentable weight.

***Conclusion***

18. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Hannig et al. (US 6505452) discloses panels having tongue and groove sections, and indicia to mark attachment points. Turner (US 3807113) discloses panels having spaced apart holes for attachment means. Roy et al. (US 6216409) discloses panels having tongue and groove sections, and spaced apart depressions along a lower lip of a groove.

19. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Paul Devoti whose telephone number is 571-272-2733. The examiner can normally be reached on M-F.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Lanna Mai can be reached on 571-272-6867. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.



Art Unit: 3637

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

PD *AD*  
07/05/06

LANNA MAI  
SUPERVISORY PATENT EXAMINER  
TECHNOLOGY CENTER 3600

